

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE; )  
YANKTON SIOUX TRIBE; ROBERT )  
FLYING HAWK; OGLALA SIOUX )  
TRIBE, )

Plaintiffs, )

and )

CHEYENNE RIVER SIOUX TRIBE, )

Intervenor Plaintiff, )

v. )

U.S. ARMY CORPS OF ENGINEERS, )

Defendant, )

and )

DAKOTA ACCESS, LLC, )

Intervenor Defendant. )

Case No. 1:16-cv-01534-JEB  
(and consolidated case nos. 16-cv-1796  
and 17-cv-267)

**PLAINTIFF OGLALA SIOUX TRIBE’S NOTICE  
REGARDING NON-REMAND CLAIMS IT WILL PURSUE**

By minute order entered December 12, 2018, the Court ordered that “If any Plaintiff seeks to pursue any other claim (beyond NHPA) not related to the remand, it must identify such claim in a filing by December 19, 2018, or such claim will be dismissed.” Plaintiff Oglala Sioux Tribe (“Tribe”) hereby identifies the following non-remand claims it seeks to pursue, by reference to the Tribe’s initial Complaint filed in *Oglala Sioux Tribe v. U.S. Army Corps of Engineers*, case no. 17-cv-00267 (filed Feb. 11, 2017), later consolidated with this case, and the Tribe’s proposed First Amended Complaint, ECF Doc. No. 376-1 (which is identical to the

Tribe's initial Complaint, except for an additional sentence added to the Second Cause of Action):

- I. FIRST CAUSE OF ACTION: VIOLATION OF NEPA AND APA
- II. SECOND CAUSE OF ACTION: VIOLATION OF NEPA, APA, AND REGULATION
- V. FIFTH CAUSE OF ACTION: BREACH OF TRUST, MNI WICONI PROJECT ACT, AND THE APA

Respectfully submitted,

s/ Michael L. Roy

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